

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6219**

**BILL NUMBER: SB 122**

**NOTE PREPARED:** Jan 22, 2009

**BILL AMENDED:** Jan 15, 2009

**SUBJECT:** Various Provisions Concerning Courts.

**FIRST AUTHOR:** Sen. Bray

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It repeals laws concerning the establishment and operation of county courts. (As of January 1, 2009, no county court will exist in Indiana.) It makes conforming amendments. It removes references to municipal courts. (Municipal courts ceased to exist on January 1, 1996.) It makes conforming amendments.
- B. Alcohol and Drug Service Program – It allows a person to participate in a court-established alcohol and drug service program if the person is: (1) arrested for a misdemeanor or felony; or (2) referred to the program by another court, a probation department, the Department of Correction, the Federal Bureau of Prisons, the Division of Mental Health and Addiction, a prosecuting attorney's office, or pretrial services.
- C. Private Judges – It allows former holders of a judicial office who served at least four consecutive years as a judge or justice to serve as private judges. (Current law allows only former judges of circuit, superior, criminal, probate, municipal, or county courts to serve as private judges.) It allows domestic relations cases to be assigned to private judges.

(The introduced version of this bill was prepared by the Commission on Courts.)

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) Alcohol and Drug Service Programs – There are currently two groups of persons who are often referred to alcohol and drug service programs who are not explicitly authorized by current statute:

(1) Persons who are in prosecutorial diversion programs for alcohol or drug abuse are often arrested but never charged with a crime. This language would expressly permit these persons to participate in alcohol and drug programs.

(2) Courts with other jurisdictions may refer certain parties to alcohol and drug treatment programs operated by these courts. As examples, parties involved in child custody proceedings may be referred to a court-operated alcohol and drug program if there are allegations of substance abuse.

As of December 2008, 53 courts were operating court alcohol and drug programs.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Alcohol and Drug Service Programs

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